

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAVID ZAMBOROSKI,

Plaintiff,

v.

Case No. 04-71430  
Honorable Victoria A. Roberts  
Magistrate Virginia M. Morgan

TIM LUOMA

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

On June 6, 2006, Magistrate Judge Virginia M. Morgan submitted a Report and Recommendation ("R&R") [Doc. 55] recommending that the Court Deny Plaintiff's Motion: (1) for a Certificate of Appealability; (2) to set aside or alter judgment; and (3) to proceed *in forma pauperis* on appeal.

Petitioner filed objections on June 23, 2006. Having reviewed his objections, the Court **ADOPTS** the R&R, and for the reasons set forth therein, **DENIES** Plaintiff's Motions.

**IT IS SO ORDERED.**

**S/Victoria A. Roberts**  
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**Victoria A. Roberts**  
**United States District Judge**

**Dated: July 11, 2006**

The undersigned certifies that a copy of this document was served on the attorneys of record and pro se petitioner by electronic means or U.S. Mail on July 11, 2006.

**S/Carol A. Pinegar**  
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**Deputy Clerk**